

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

FILED
2006 OCT -5 PM 2:31
CLERK, US DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY DEPUTY

RAYMUNDO HERNANDEZ

Plaintiff,

v.

WAL-MART ASSOCIATES, INC.,

JOSE HERNANDEZ, JAIME

DURAND AND KAREN GABALDON

Defendants.

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NO. EP-06-CA-0233-FM

STIPULATION OF DISMISSAL

TO THE HONORABLE FRANK MONTALVO:

Plaintiff Raymundo Hernandez, and Defendants Wal-Mart Associates, Inc., Jose Hernandez, Jaime Durand and Karen Gabaldon and file this stipulation of dismissal under Federal Rule of Civil Procedure 41(a)(1)(ii).

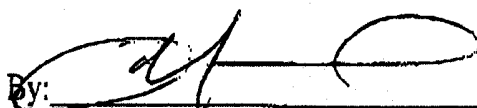
1. Plaintiff is Raymundo Hernandez; defendants are Wal-Mart Associates, Inc., Jose Hernandez, Jaime Durand and Karen Gabaldon.
2. On May 12, 2006, plaintiff sued the defendants.
3. Plaintiff moves to dismiss the suit.
4. Defendants, who have answered, agree to the dismissal.
5. This case is not a class action.
6. A receiver has not been appointed in this action.
7. This case is not governed by any federal statute that requires an order of the court for dismissal of the case.

8. Plaintiff has not dismissed an action based on or including the same claims as those presented in this suit.
9. This dismissal is with prejudice to refiling.

Respectfully submitted,

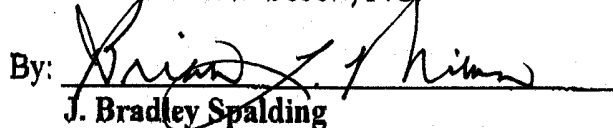
The Law Office of Leonard Morales

210 N. Campbell
El Paso, Texas 79901
(915) 546-2696
(915) 532-2041 (fax)

By: 

Leonard Morales
State Bar No. 24010247
Attorney for Plaintiff, Raymundo Hernandez

LITTLER MENDELSON, P.C.

By: 

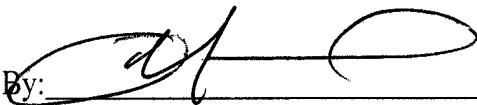
J. Bradley Spalding
State Bar No. 007786253
Brian L. Mims
State Bar No. 00788061
1301 McKinney Street, Suite 1900
Houston, Texas 77010
713.951.9400
713.951.9212 fax

8. Plaintiff has not dismissed an action based on or including the same claims as those presented in this suit.
9. This dismissal is with prejudice to refiling.

Respectfully submitted,

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By: 

Leonard Morales

State Bar No. 24010247

Attorney for Plaintiff, Raymundo Hernandez

LITTLER MENDELSON, P.C.

By: _____

J. Bradley Spalding

State Bar No. 007786253

Brian L. Mims

State Bar No. 00788061

1301 McKinney Street, Suite 1900

Houston, Texas 77010

713.951.9400

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CERTIFICATE OF SERVICE

I certify that on October 3, 2006 a true and correct copy of Plaintiff's Stipulation of Dismissal was served by facsimile transmission on Littler Mendelson, P.C. at 731.951.9212.

A handwritten signature in black ink, appearing to read 'LM', is written over a horizontal line.

Leonard Morales

RECEIVED

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Plaintiff,

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WAL-MART ASSOCIATES, INC.,
JOSE HERNANDEZ, JAIME
DURAND AND KAREN GABALDON
Defendants.

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ACKNOWLEDGMENT OF DISMISSAL

The Plaintiff in the above-styled and numbered cause has filed a stipulation of Dismissal signed by all parties pursuant to Rule 41 (a)(1)(ii), Federal Rules of Civil Procedure. The filing of this stipulation has effectively closed the case without the necessity of an Order of the Court. According to the terms of the stipulation, this action is dismissed with prejudice with each party to bear his or her own costs.

SIGNED AND ENTERED this _____ day of October, 2006.

The Honorable Frank Montalvo